

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION
(Electronically Filed)

JOHNNA E. HENDRICKS,)	
)	
Plaintiff)	
)	
v.)	CASE NO. 3:17-cv-109
)	
CINCINNATI INSURANCE COMPANY,)	
)	
Defendant.)	

COMPLAINT FOR UNDERINSURED MOTORIST BENEFITS

Plaintiff, Johnna E. Hendricks, by counsel, Chapman Law LLC and for their Complaint against Defendant, Cincinnati Insurance Company ("Cincinnati"), state as follows:

1. At all times herein, Plaintiff was a resident of the State of Kentucky.
2. Defendant Cincinnati is an insurance company incorporated under the laws of Ohio, with its principal place of business located at 6200 S. Gilmore Road, Fairfield, OH 45014-5141, and at all times herein doing business in the State of Indiana and Kentucky.
3. On July 17, 2015, Plaintiff Johnna E. Hendricks was operating a 2007 Toyota Camry owned by her employer, TLD Logistics Services Inc., and insured by a certain policy of insurance issued by Defendant, Cincinnati, believed to be Policy Number CAA5217879 and CPP1080459.
4. Plaintiff's counsel sent a letter dated August 4, 2015 to Cincinnati's assigned adjuster, Doug McWilliams, requesting "a copy of your insured's declarations sheet to confirm applicable coverage limits, such as MPC/PIP, UM and UIM, as soon as possible."

To date, Cincinnati has not provided the requested confirmation of UIM coverage in writing.

5. The above-described policy of insurance contained underinsured motorist coverage.

6. On July 17, 2015, Plaintiff Johnna E. Hendricks was involved in an automobile collision in Martin County, Indiana near the town of Loogootee.

7. Following the collision, Plaintiff notified Defendant, Cincinnati, of the collision and the bodily injuries sustained by Plaintiff Johnna E. Hendricks as a result of the collision.

8. Defendant, Cincinnati, made payments of \$10,000.00 under the Personal Injury Protection (Kentucky) provision of Plaintiff's employer's insurance policy, and a payment of \$ 5,000.00 under the Medical Payments Coverage (Indiana) coverage under the policy.

9. As a result of the collision, Plaintiff asserted a tort claim against the at-fault driver, Keith A. Ruhe.

10. The alleged tortfeasor, Keith A. Ruhe, possessed liability coverage through Trustguard Insurance Company, a wholly-owned subsidiary of Grange Mutual Casualty Company ("Grange Insurance"), with policy limits of \$ 250,000.00 per person.

11. On or about July 12, 2017, Grange Insurance tendered its limits of coverage to Plaintiff for the injuries she suffered as a result of the negligence of Grange Insurance's insured driver, Keith A. Ruhe.

12. Pursuant to Ind. Code § 27-7-5-6, Plaintiff provided notice of the tender of the Grange Insurance Limits to Defendant, Cincinnati, by letter of July 12, 2017 to enable

Defendant to preserve its subrogation rights for underinsured coverage.

13. Defendant, Cincinnati, elected to waive its subrogation rights against the underinsured motorist, Keith A. Ruhe.

14. On or about July 13, 2017, Defendant, Cincinnati, advised Plaintiff's counsel of its intent to deny Plaintiff's request for underinsured motorist coverage.

15. Defendant's denial of underinsured motorist coverage constitutes a breach of contract.

16. As a direct and proximate result of Defendant's breach of contract, Plaintiff has been damaged.

17. Plaintiff sustained damages in excess of the policy limits paid by Grange Insurance, and are entitled to further damages from Cincinnati under the underinsured provision of its insurance policy.

WHEREFORE, Plaintiff respectfully requests judgment of and from Defendant for an amount of the underinsured motorist benefits payable to the Plaintiff herein, and for all other relief the Court deems just and proper.

PLAINTIFF RESPECTFULLY REQUESTS TRIAL BY JURY.

/s/ Neil Chapman
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